

# ILLINOIS NATURE PRESERVES COMMISSION

## Minutes of the 187<sup>th</sup> Meeting

August 2, 2005

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Minutes of the 187<sup>th</sup> Meeting  
(subject to approval of Commission at 188<sup>th</sup> Meeting)

Morton Arboretum  
4100 Illinois Route 53  
Lisle, Illinois

Tuesday, August 2, 2005 - 9:00 a.m.

187-1) Call to Order, Roll Call and Introduction of Attendees

At 9:05 a.m., pursuant to the Call to Order of Vice-Chair Ross-Shannon, the meeting began.

Don McFall gave the roll call.

Members present: Jill Allread, Kristi DeLaurentiis, Dr. Ronald Flemal, Dr. Richard Keating, Jill Riddell, Bruce Ross-Shannon, and John Schwegman.

Members absent: Harry Drucker and Lauren Rosenthal.

Others present: Steven Byers, Judy Faulkner Dempsey, Bob Edgin, Randy Heidorn, Tom Lerczak, Don McFall, Angella Moorehouse, Kelly Neal, John Nelson, Debbie Reider, Kim Roman, and Mary Kay Solecki, Illinois Nature Preserves Commission (INPC); Todd Bittner and Todd Strole, Office of Resource Conservation (ORC), Tom Flattery and Connie Waggoner, Office of Realty and Environmental Planning (OREP), Illinois Department of Natural Resources (IDNR); Randy Nyboer, Endangered Species Protection Board (ESPB) and Illinois Natural History Survey, IDNR; Sue Dees, Mark Dust, Forman Hardwick, John Neganard, Dennis O'Connell, and Barb Traeger, Illinois Department of Transportation (IDOT); Marilyn Campbell, Illinois Audubon Society and INPC Consultant; Valerie Spale, Save the Prairie Society and INPC Consultant; Marlin Bowles and Dr. Clem Hamilton, the Morton Arboretum; Jill Kennay and Jerry Paulson, INPC Consultant, The Natural Land Institute; Gordon Goodman, Pierce Downer's Heritage Alliance; Marie Piraino and John Steffan, DuPage County; Jerry Robertson, Christopher B. Burke Engineering; Tony Gliot and Lydia Scott, Village of Lincolnshire; Bill Stoll, Applied Ecological Services; Leslie Berns, Forest Preserve District of DuPage County (FPDDC); Darcy Berg, Dan Cermak, Gene Cromwell, and Alice Eastman, Downers Grove Park District; Chris Merenowicz, Forest Preserve District of Cook County; Don Augustin, Kenneth James Builders; Judy Maksimovich, Metamora Park District, representing Black Partridge Parks Woods Land and Water Reserve; Lorna Gladstone, representing Gladstone Fen Nature Preserve; Laurel Bowen; Peter Maksimovich; and Ed and Rita Martin.

Vice Chair Ross-Shannon thanked Kim Roman for organizing an interesting field trip of the Morton Arboretum on August 1, 2005. He stated that he would also like to thank Dr. Clem Hamilton and Marlin Bowles of the Morton Arboretum.

Dr. Clem Hamilton, Vice President of the Morton Arboretum, welcomed the INPC to the Morton Arboretum. He stated that he is very proud of the role the Morton Arboretum has played in conservation over the years, and he invited everyone to tour the Arboretum.

Vice Chair Ross-Shannon reported that at the 186<sup>th</sup> Meeting of the INPC, held in Nauvoo on May 3, 2005, legal protection for five tracts of land totaling 160 acres was approved by the Commission. Three of the five areas are owned by private individuals or not-for-profit corporations who donated the value of the protection agreement to the public. The dollar value of the tracts of private land is \$485,000, based on conservative estimates of the fair market value of the land. This private land was permanently preserved without acquisition of the land by the State. Private lands protected without State acquisition at the 186<sup>th</sup> Meeting of the INPC were Sweet Fern Savanna, Kankakee County, 27 acres; addition to Hopewell Hill Prairies Nature Preserve, Marshall County, 0.5 acres; and Dolly Kuetemeyer Woodlands addition of nature preserve buffer to Boone Creek Fen Nature Preserve, McHenry County, 7 acres. A total of 34.5 acres of private land was protected. Protection of this land came about because the INPC has eight staff in the field working with private landowners. There are now 325 dedicated nature preserves in 80 counties totaling 43,939 acres and 119 land and water reserves in 55 counties totaling 35,327 acres.

187-2) Adoption of Agenda

Vice-Chair Ross-Shannon recommended that items 21 and 22 be presented prior to item 20 to accommodate the presenters' schedules.

It was moved by Flemal, seconded by Allread, and carried that the Agenda be adopted as amended.

187-3) Approval of the Minutes of the 186<sup>th</sup> Meeting, May 3, 2005

It was moved by Keating, seconded by Schwegman, and carried that the Minutes of the 186<sup>th</sup> Meeting, May 3, 2005, be approved as presented.

187-4) Next Meeting Schedule

<u>Meeting</u>	<u>Date</u>	<u>Location</u>
188	18 October, 10:00 a.m.	Pere Marquette Lodge, Grafton

187-5) 2006 Proposed Meeting Schedule

7 February, 10:00 a.m.	- Illinois Department of Natural Resources, Springfield
2 May, 10:00 a.m.	- Ballard Nature Center, Altamont
1 August, 10:00 a.m.	- McHenry County Conservation District, Woodstock
24 October, 10:00 a.m.	- Nature Center, Bourbonnais Park District

It was moved by Riddell, seconded by Flemal, and carried that the 2006 Proposed Meeting Schedule be approved.

187-6) Election of Officers - INPC Nominating Committee Report

Commissioner Allread stated that the Nominating Committee would like to place the following nominations for officers before the Commission for consideration: for Chair, Commissioner Harry Drucker; for Vice-Chair, Commissioner Bruce Ross-Shannon; and Commissioner Ronald Flemal for Secretary. All have agreed to serve if elected.

Vice-Chair Ross-Shannon asked for any nominations from the floor, and none were offered.

It was moved by Schwegman, seconded by Riddell, and carried that the following Commissioners be elected as Officers of the Illinois Nature Preserves Commission: Harry Drucker as Chair, Bruce Ross-Shannon as Vice-Chair, and Ronald Flemal as Secretary.

187-7) Election of Advisors and Consultants

Commissioner Allread stated that a list of the nominated advisors and consultants is on the Agenda under Item 7. There are no changes from the current year.

It was moved by Flemal, seconded by Keating, and carried that the following be elected as advisors to the Illinois Nature Preserves Commission: Dr. William Shilts, Dr. George Vander Velde, and Dr. Derek Winstanley, and the following be elected as consultants to the Illinois Nature Preserves Commission: Gerald Adelman, Dr. Robert Betz, Bruce Boyd, Marilyn Campbell, John Comerio, Kenneth Fiske, Jerry Paulson, Dr. Kenneth Robertson, Valerie Spale, and John White.

Vice-Chair Ross-Shannon announced a new Commissioner, Lauren Rosenthal, has been named to the INPC, and he reported that his term has been renewed through June 30, 2007. He also stated that he would like to recognize John Sommerhof as a retiring Commissioner.

It was moved by Allread, seconded by Flemal, and carried that the following resolution be adopted:

The Illinois Nature Preserves Commission wishes to recognize the contributions of John Sommerhof during his tenure as a Commissioner from 2001 to 2005. His accomplishments will be an ongoing tribute to the Commission for years to come. His years of service with the Commission will be warmly remembered and his continuing commitment to and advocacy for the Commission's programs will be greatly appreciated.

(Resolution 1833)

Vice-Chair Ross-Shannon stated that Chair Drucker asked him to read a letter, dated June 27, 2005, into the Minutes that was written by Chair Drucker on behalf of the INPC to Governor Blagojevich:

“Dear Governor Blagojevich:

At a recent meeting of the Illinois Nature Preserves Commission (INPC), the Commissioners all noticed, and were astonished by, the number of important natural areas whose acquisition was made possible by grants from the Illinois Clean Energy Community Foundation (ICECF) that were being dedicated as Nature Preserves. Practically one dedication after another, land of extremely high conservation value was being protected thanks to ICECF grants made to a variety of not-for-profit conservation organizations, municipalities, or local units of government.

As an individual who appoints a director to the ICECF board, you may not always hear about the wonderful things being done by the Foundation that is guided by the directors you select. We want to be sure you know and understand how much we, and the citizens of the State of Illinois, value and appreciate the vital partner the ICECF has become in protecting some of the last remaining, best places in Illinois. The help of the Foundation has been especially meaningful in light of tight state budgets.

On behalf of the INPC we thank you most sincerely for your vital role in helping preserve Illinois' natural heritage.

Sincerely,

Illinois Nature Preserves Commission  
Harry Weese Drucker  
Chairman”

#### 187-8) INPC Staff Report

Don McFall reported that Michelle Klintworth is on a leave of absence, until at least November 1. Debbie Reider is on a 60-day temporary assignment with the INPC. The temporary assignment expires September 15, 2005.

The INPC has an intern this summer assisting Debbie Newman with natural area stewardship in southwestern Illinois. Simon Bade is a junior majoring in zoology at Southern Illinois University in Carbondale.

The Commission has two new publications to give to landowners, “Having a Dedicated Nature Preserve as Your Neighbor” and “Having a Registered Land and Water Reserve as Your Neighbor” The brochures were produced by the Illinois Audubon Society under a contract with the INPC. Debbie Newman and Tom Lerczak assisted with the editing. Producing this publication was a recommendation of the INPC Strategic Plan for 2002 - 2007.

Mr. McFall stated that one of the nature preserves has changed ownership. Carl Fliermans' River Nature Preserve in Vermilion County was owned by Louise Fliermans. The Fliermans sold a 78-acre tract containing the 23-acre nature preserve to the IDNR earlier this year. The IDNR is bound by the dedication. The IDNR now has 110 dedicated nature preserves.

Two new Natural Heritage Landmarks have been enrolled since the 186<sup>th</sup> Meeting of the INPC. Noel Woods is a half-acre site along the Sangamon River in Champaign County, and it is owned by Greg and Jenny Noel of Mahomet. This area provides habitat for Sangamon phlox, an endangered species. Mary Kay Solecki enrolled the Landmark. Caterpillar Hill Prairie, owned by Caterpillar, Inc., is a three-acre site in Tazewell and Woodford counties. The site is a glacial drift hill prairie included on the Illinois Natural Areas Inventory (INAI). Tom Lerczak enrolled the Landmark. The Commission is always happy to see one of Illinois' large corporations co-operating in the program. There are now 137 Natural Heritage Landmarks covering more than 6,100 acres.

Debbie Newman organized a karst education seminar for members of the St. Clair County Board, St. Clair County Zoning Board and the Mayor of Columbia. The goal of the seminar was to inform these decision makers about the INAI and karst issues in their area, develop a better working relationship, and help them have more tools to minimize or restrict development in cave recharge areas. The group toured Stemler Cave Nature Preserve as part of the seminar.

Kim Roman conducted aerial surveillance of natural areas in Grundy, Will and Kankakee counties. Approximately 15 natural areas, nature preserve and land and water reserves were checked and photographed from the air during this slow, low elevation flight. The flight gave staff a broad perspective on the condition of the areas by observing the effectiveness of the land management work. It also saves time and money by not having to check areas on foot.

Judy Faulkner Dempsey completed the Commission's review of the draft Forest Plan for the Shawnee National Forest. The U.S. Forest Service owns and manages 104 INAI sites on the Shawnee. The Forest Service is second only to the IDNR in the number of INAI sites owned, so the policy they set for how they will protect and manage their natural areas is very important.

Randy Heidorn reported to the Commission on the following topics:

1. Illinois Beach Asbestos: The Attorney General's Task Force on asbestos contamination at Illinois beach received the report on a health risk assessment prepared by the University of Illinois-Chicago. The report described the risk to human health as minimal. The concentrations of asbestos fibers in the sand found in the North Unit of Illinois Beach were statistically significant greater than background and significantly less than lake bottom samples from the Waukegan outer harbor and North Point Marina. The beaches in the South Unit were not significantly different than background. Most of the beaches in the North Unit are included in North Dunes Nature Preserve. Illinois Beach Nature Preserve includes beach in the South Unit. A public health risk assessment was done to address risk to beach users. The risk associated with all concentrations of asbestos fibers found in areas

sampled was less than the Environmental Protection Agency's standard for maximum acceptable risk. Potential sources of the asbestos identified in the report include structures demolished after acquisition by the IDNR, infrastructure that has eroded into the lake, sand accepted from Commonwealth Edison property and Prairie Harbor, and the dredging sand from marina construction. The report suggested steps to remediate that are consistent with current IDNR practice. The report suggests that old residential infrastructure be removed in areas where there is ongoing danger of erosion. An additional suggestion was to address the long-term beach erosion. The conclusion was that the beach is safe, and the IDNR needs to continue to address asbestos containing material that is found on the beach.

2. Deer Management: At the Commission meeting on May 3, 2005, it was reported that an IDNR/INPC work group was preparing a revision of the INPC's Deer Management Guideline. It is the intention of this group to develop a guideline that will make it easier for land managers to routinely control deer damage before it becomes severe in the nature preserve. The review of the first draft of the guideline has been done, but it is not ready to go out for final review and approval by the Commission. Therefore, deer management this year will remain as it has been in previous years. Special hunts and other population management will continue on those sites where need has been demonstrated and the plan has been approved. It is anticipated that the new guideline will be completed soon and hopefully ready for approval in October.
3. MANAGE-MATS: This is a new management tracking system to be used to track land management on lands in INPC programs. This is a pilot project for a larger system that will be used by the IDNR. A request for proposals was published on the internet and proposals are being accepted. It is hoped that a contractor be brought on board soon and complete this project by mid winter.
4. Involvement with other organizations:
  - a. Illinois Invasive Species Council: Ben Dolbeare, IDNR's Exotic Species Project Manager, has organized an Illinois Invasive Species Council made up of conservationists, agricultural interests, nurserymen, and other interested parties. The idea of the Council is to try to coordinate IDNR's efforts to address invasive species problems in Illinois. Randy Heidorn will serve on the Steering Committee as a representative of the INPC.
  - b. Kelly Neal continues to play a coordinating role in the function of the Natural Areas Evaluation Committee. This internal IDNR committee sets standards for the INAI and determines what sites are to be included in the Inventory.
5. Class III Special Resource Groundwater: The groundwater supporting Boone Creek Fen Nature Preserve has been designated a Class III Special Resource Groundwater by the Illinois Environmental Protection Agency (IEPA). This designation ensures that water quality is protected. Currently, Class I (drinking water) standards would apply to the area until such a time as site specific water quality standards could be determined and brought



to the Pollution Control Board for approval. The Pollution Control Board recently published a petition by the INPC to IEPA for the designation of recharge areas for Stemler Cave Nature Preserve and Pautler Nature Preserve as Class III Groundwater. The comment period for that petition has ended, and the INPC is awaiting final listing on these sites.

6. New Equipment: INPC field staff acquired two ATVs equipped with sprayers and two trailers for highway transport of the ATVs. This equipment will be used for prescribed burning and exotic species control in Area 2 (Steven Byers) and Area 8 (Bob Edgin). A sprayer was also purchased for Area 3 (Kim Roman). Bob Edgin coordinated these purchases.
7. Volunteer Stewardship Network (VSN):
  - a. The Steering Committee of the VSN met at Macon County Conservation District's Rock Springs Center in July. A presentation on the update of the INAI was given by Jack White, Fran Harty and Deanna Glosser. Also, Liz Haynes of the Rock Island County University of Illinois Extension Office presented a report on the new master naturalist program. The Steering Committee sees this program as a great way to provide training for volunteer stewards and would be pleased to help this program go statewide. The Committee also decided to meet twice a year, but to maintain it's current operations in supporting VSN groups as needed. Kelly Neal has been coordinating this effort.
  - b. Distribution of Volunteer equipment and herbicide: Once again the INPC has been able to purchase tools, safety equipment, and herbicide for local VSN groups. Approximately \$5,000 was set aside from the FY 05 budget and used for this effort. Purchasing restrictions limit what the INPC to purchase only tools under \$100 in value, personal protective clothing, and herbicides. Kelly Neal has also been coordinating this effort.
8. Stewardship Planning: Angella Moorehouse completed a management schedule for Lyndon Prairie Nature Preserve.
9. Stewardship Projects
  - a. Project Implementation:
    - i. Several staff members have been working with contractors to implement stewardship projects funded by FY05 Natural Areas Acquisition Fund (NAAF), Statewide Wildlife Grant (SWG), the INPC budget, and the Wildlife Preservation Fund. The projects needed to be completed and billed before the end of the lapse period (August).
    - ii. Angella Moorehouse has been working with Dean Corgiat of the IDNR to implement a restoration on hill prairies on the Mississippi River Bluff. Ms. Moorehouse coordinated landowner contact for the project.
  - b. Grants:
    - i. Steven Byers negotiated an extension in a grant to restore portions of the old gravel pit area at Bluff Spring Fen Nature Preserve. This project has been

delayed due to ongoing discussions among the landowner and Bluff City Materials.

- ii. Steven Byers was able to find matching money for the NAAF stewardship project to restore selected fens in Northeastern Illinois.
- iii. Kim Roman obtained an \$150,000 grant through Corelands to do restoration work on Sand Ridge Nature Preserve and Superior Street Prairie Land and Water Reserve.

10. Land Management Activities conducted by staff:

- a. Exotic/Invasive Species Control: Staff conducted exotic or invasive species control projects at 13 sites. Control efforts were directed at day lilies, sweet clover, teasel and invasive brush.
- b. Boundary Protection: Debbie Newman posted boundaries at nine sites. Additional signs were purchased with year end money.
- c. Monitoring: Kim Roman conducted plant monitoring at Hildy Prairie and Leeseville Savanna.

11. Training: Angella Moorehouse completed Prescribed Burn Ignition Specialist Training at the Midwest Wildfire Academy, Jefferson City, Missouri.

John Nelson reported to the Commission on the following topics:

1. Enforcement of the Volo Bog Protection Plan:

The Volo Bog Protection Plan is an agreement reached in 1997 between the IDNR and Spruce Lake Sand and Gravel. Provisions include groundwater monitoring, site reclamation, and a 25-acre land donation to the IDNR once the mining was completed. None of these provisions have been acted upon since 1997. A few months ago staff learned that Spruce Lake Sand and Gravel was requesting continuation of their special use permit with the Village of Volo. Virginia Yang, IDNR legal counsel, has referred this case to the Attorney General's Office. The landowner is now cooperating, and groundwater monitoring has begun. The site reclamation plan is being reviewed by INPC staff and IDNR staff. A 25-acre buffer area will be restored to native prairie in phases as the mining operation is phased out. As the site reclamation is progressing, INPC staff will have the opportunity to review the potential for this area to be dedicated formally as buffer to Volo Bog Nature Preserve.

2. Bluff Spring Fen Protection Plan:

Water levels at the monitoring well at the heart of the fen have dropped again this year due to the record drought. The water level is estimated to be as much as four inches lower than during the summer of 2004. Bluff City Materials has implemented its own short-term mitigation strategy. The staff of the INPC and Illinois Natural History Survey have not yet had an opportunity to evaluate the short-term mitigation strategy. A meeting will be scheduled in September, 2005, to inspect the mine portal and address the issues surrounding the site.

Vice Chair Ross-Shannon asked if the grout in the mine portal is fairly workable.

Mr. Nelson stated that the mine portal needs to be inspected, and INPC staff are waiting for the pumping data related to the portal. The raw data has not been provided concerning the amount of water that is being pumped from the portal and how effective the grouting operation has been. He stated that he has been advised by Bluff City Materials that the data is coming in the near future. The groundwater models did use data from wells around the mine portal. It is suspected that it is only partially effective at this point because Bluff City Materials has said that it needs to keep grouting, and there is still a sustained drop in groundwater levels within the Nature Preserve.

3. Pingree Prairie, McHenry County: Intentional destruction has occurred of an Illinois Natural Areas Inventory (INAI) site during an open IDNR consultation. Pingree Prairie, a Category I INAI site, is approximately nine acres in size containing dry gravel prairie. In 2003, efforts were underway to purchase the site which was zoned for business development. Mrs. Nancy Gonsiorek, local resident and open space advocate, engaged the landowner and championed the sale of the site to a conservation organization. The McHenry County Conservation District (MCCD) offered \$275,000 to help the Crystal Lake Park District acquire the property with matching funds. Unfortunately, during negotiations, the purchase price rose from approximately \$550,000 to nearly \$1 million. In 2004, a prairie salvage operation was being discussed as a last resort to save this INAI site. In 2005, the IDNR opened consultation with the City of Crystal Lake for a development plan that would result in the complete destruction of the prairie. The IDNR recommended that the City of Crystal Lake conduct a site survey for the red veined prairie leaf hopper, a state listed animal species, known to occur in the vicinity of the project at Lake In The Hills Fen Nature Preserve. While the City of Crystal Lake and the IDNR were discussing options for such a survey, the landowner herbicided the entire site, thereby destroying the dry gravel prairie and the host plant for the red veined prairie leaf hopper. The IDNR is now considering its legal options in this matter.  
The landowner's attorney referenced a court decision from 1998 known as the "Pierce Downer's Decision" as a reason for the City of Crystal Lake not to consult with the IDNR on this matter. The Pierce Downer's Decision shows a potential for this to occur in the future when dealing with Category I INAI sites, nature preserves, or land and water reserves. The Appellate Court of the Second District focused on Section 17 of the Natural Areas Preservation Act (525 ILCS 30) where the consultation process is described. The Court focused on the wording "authorized by the local municipality." The ruling was that unless the local municipality was funding and authorizing the proposal, there was no need for them to consult. In this case, the landowner's attorney is of the opinion that the City of Crystal Lake did not need to consult because of the court decision. Mr. Nelson suggested that the wording under Section 17 of the Illinois Natural Areas Preservation Act needs to be modified.

Commissioner DeLaurentiis requested a written report on the current status of Pingree Prairie because she felt that this issue will affect the Commission and is a threat to other areas. She also asked if there was any legal recourse that could be done to withhold the title transfer until this situation is resolved.

Mr. Nelson stated that he is not aware of a provision to withhold title transfer because the option to purchase is already in place when the local municipality approves the project. The IDNR does not have legal authority to stop a transfer of a property.

Mr. Nelson stated that the IDNR makes recommendations through the consultation process, however, there is no obligation on the part of the landowner or local municipality to adopt those recommendations.

Mr. Heidorn stated that the IDNR is weighing its legal options regarding the violation of the Endangered Species Act because the landowner could have potentially killed an endangered animal.

Vice-Chair Ross-Shannon asked, if the Pierce Downer's Decision is going to be an ongoing problem and with the possible issue with the Illinois Natural Areas Preservation Act, how would the Commission initiate amending the Act.

Don McFall stated that each year the IDNR puts together a legislative packet, and the Commission could submit the proposed changes to the Act. He stated that he would obtain more information on the process and report his findings to the Commission.

Commissioner DeLaurentiis stated that she felt it was important to start the process of proposing the needed modifications to the Illinois Natural Areas Preservation Act. Legal decisions are already being used to negatively impact property, and she felt this was a slippery slope in the wrong direction.

Valerie Spale stated that she has brought up the topic of strengthening the consultation process in the past, however, it did not make it through the legislative process. She stated that she was concerned about this issue, and she felt it would be helpful for the Commission and other conservation organizations to pursue this action.

#### 187-9) IDNR Staff Report

Todd Strole stated that the Prescribed Burn Policy has been completed, however, the format of the policy manual is under review and new policies are currently not being moved forward.

Mr. Strole stated that the IDNR and the INPC is reviewing the policy on updating the Illinois Natural Areas Inventory (INAI). The proposed policy would empower the Natural Areas Evaluation Committee to develop and maintain the standards and guidelines on how the Department updates the INAI.

Mr. Strole stated that three positions have been funded through a State Wildlife Grant to help the database staff. The focus is to enter a backlog of element occurrence records into the database. Two Natural Heritage resident positions were also filled since the 186<sup>th</sup> INPC meeting.

This is the second round of a Challenge Cost Share Grant that was received from the Shawnee National Forest. The two residents spend 50% of their time on natural area issues on the Shawnee National Forest. The remaining 50% of their time is spent with IDNR staff in Southern Illinois.

Mr. Strole reported on Illinois Beach and beach nourishment efforts. He stated that the IDNR is in the final stages of approving a plan for sand from Prairie Harbor in Wisconsin. Waukegan Harbor will also provide sand, and sand has also been received from North Point dredging. An anticipated total of 54,000 cubic yards of sand is expected for beach nourishment. This is short of the goal of 80,000 cubic yards.

Mr. Strole announced a Midwest Birding Symposium to be held October 13-16, 2005. The Symposium will be held in Danvenport, Iowa at the River Center. A conference agenda will be available in the near future.

Mr. Strole stated that the Wildlife Preservation Fund projects have been officially announced by the Governor's office, and the IDNR is proceeding with finalizing those contracts.

The final public comment period for the Comprehensive Wildlife Conservation Plan expired on June 30, 2005. Mr. Strole commended Jeff Walk's efforts in completing this project.

#### 187-10) Endangered Species Protection Board Staff Report

Randy Nyboer, Endangered Species Protection Board (ESPB) Manager, reported that the ESPB still does not have a budget. The IDNR has hired him contractually through funding from the Natural Areas Acquisition Fund (NAAF). The next meeting of the ESPB is on August 19, 2005, at Pere Marquette.

Mr. Nyboer also reported on the following topics:

1. The checklist for the 2004 changes of the Endangered Species List has been printed. The checklist has been distributed to field staff, law enforcement, and other personnel within the IDNR.
2. The Biennial Report for the ESPB is scheduled to be printed, and it should be available in October, 2005.
3. A cooperative agreement between the IDNR and the US Fish and Wildlife Service is currently under review for a partnership at Lost Mound, Savanna Army Depot. The agreement will cover approximately 10,000 of the 13,000 acres at the Savanna Army Depot. Through the agreement, the IDNR and the US Fish and Wildlife Service will co-manage the site. The IDNR will continue the research, monitoring, resource activities, and active management of the site. It is hoped that the first prescribed burns will be done at the Savanna Army Depot in the spring of 2006.

4. Endangered species work has been ongoing at the Savanna Army Depot. There are currently 47 state and federally listed plants and animals at the Depot. He has been working with the IDNR's consultation staff on making evaluations and determining impacts that the different tenants may have with their re-development on the endangered species sites. Twenty parcels are involved, and almost any parcel has either a sand prairie, sand savanna, or an endangered species location. Mr. Nyboer has also been working with the US Army contractors who are cleaning up the sites with regard to endangered species impacts.

187-11) Woodford Co. – Black Partridge Park Woods Land and Water Reserve, Registration

Tom Lerczak presented a proposal to register Black Partridge Park Woods as a land and water reserve. Black Partridge Park Woods, owned by the Metamora Park District, is a 287.5-acre site contained within Black Partridge Park. The proposed land and water reserve contains approximately 260 acres of second-growth forest within two tracts (a West Unit of 115 acres and an East Unit of 150 acres) that are connected by a 22.5-acre corridor which consists of forest and agricultural fields. The agricultural fields within the connecting corridor will eventually be restored to forest. The East Unit contains a small area (approximately 10 acres) of old field undergoing natural succession to forest. The forests at Black Partridge Park Woods, which are representative of the Grand Prairie Section of the Grand Prairie Natural Division, are dominated by oaks (*Quercus* spp.), hickories, (*Carya* spp.), and sugar maple (*Acer saccharum*) in mature areas and a variety of other species in less mature areas. Other notable plant species include the formerly state-threatened Schreber's aster (*Aster schreberi*) and ginseng (*Panax quinquefolius*). Breeding bird surveys conducted during 2004 and 2005 documented a bird community that contains no less than 17 area-sensitive species known to suffer from the effects of forest fragmentation (as defined by IDNR Natural Heritage Technical Publication #1). The state-threatened Cerulean warbler (*Dendroica cerulea*) was documented at Black Partridge Park Woods during the breeding seasons of 1999 and 2004. The headwaters of a tributary of Partridge Creek flow through the ravines at Black Partridge Park Woods, which enhances the overall ecological importance of the site. The Metamora Park District plans to maintain public activities in the proposed registered area as previously established, including casual berry and mushroom collecting, horseback riding, hiking, biking, and leashed dog walking. Picnicking and primitive camping will also be allowed in designated areas. A trail system is currently being expanded and enhanced by the Peoria Area Mountain Biking Association through a signed memorandum of understanding. The Metamora Park District wishes to permanently register this site to ensure protection of natural features and improve natural resource management.

Mr. Lerczak stated that he has met with representatives from the Peoria Area Mountain Biking Association, and it is his opinion that involvement with this group will be an asset to the proposed land and water reserve. It is the Association's intention to develop a trail system that has a low density of trails. The development of the trail system will allow access to the proposed land and water reserve. INPC staff will monitor the situation. If problems arise, they will be addressed. The trail system expansion should be completed in a year. The trails have been carefully constructed and the trails most generally follow the contour of the land. The group has certain criteria that they follow when constructing the trails that take into account user safety and resource protection.

Commissioner Flemal stated that when he learned that mountain biking would be an allowable use at this site, he was concerned about the possibility of erosion, however after hearing Mr. Lerczak's explanation and faith in the Association's diligence in trail construction, he now feels more comfortable with the concept. He asked for more information on how staff has dealt with erosion on bike trails in existing sites.

Mr. Lerczak stated that some of the trails were in place at this site when the biking group adopted the area. The Peoria Area Mountain Biking Association has shut down some of the trails because of erosion and rerouted that particular section of the trail. In some cases, wooden ramps have been constructed on the trail to provide challenge for the mountain biker. Several of the trails loop around the contours, and barriers of downed trees or brush are placed in strategic areas to prevent the rider from cutting across the loops of the trail.

Vice-Chair Ross-Shannon asked if the memorandum of understanding allows for consultation and adjustment of the trails.

Mr. Lerczak stated that the memorandum of understanding does allow for those things. He also stated that the Metamora Park District does have the authority to monitor and enforce the trail system.

Judy Maksimovich, Metamora Park District, stated that the memorandum of understanding required that the trail system and any revision of that system must be approved by a member of the Metamora Park District. She has talked with the President of the Metamora Park District and suggested that the wording be changed to require the trail system to be approved by the Park District Board. She stated that she has been to one of the Peoria Area Mountain Biking Association's work sessions, and the group was considerate of the surroundings. At the present time there are only seven crossings of the creek for pedestrians. When discussing this issue with members of the Association, they wanted to route the bike trail so that it crosses the creek once or possibly twice.

Mr. Lerczak stated that the Association has also discussed putting small foot bridges over the creek in certain areas to avoid impacting the creek.

Ms. Maksimovich stated that she would like to thank the Commission and Mr. Lerczak for making this registration a reality. She stated that she is proud to be a part of a team that is protecting this site for the community.

Mr. Lerczak stated that when allowing mountain biking in a land and water reserve, land managers need to take steps to insure that this allowed activity does not impact the resource while providing for this public use. The trails need to be monitored and take corrective action if a problem develops.

Commissioner Allread stated that Mr. Lerczak has made an excellent point with regard to allowable uses within a land and water reserve. The Commission wants the public to enjoy nature and respect it. This project can be used as an example of groups who want to use the land and water reserve and take responsibility and pride in being sensitive to the special area. She stated that this can be used as an example of how the collaboration can benefit all parties.

It was moved by Flemal, seconded by Allread, and carried that the following resolution be adopted:

The Commission grants approval for the registration of Black Partridge Park Woods as a land and water reserve in Woodford County, as described in the proposal presented under Item 11 of the Agenda for the 187<sup>th</sup> Meeting.

(Resolution 1834)

Vice-Chair Ross-Shannon thanked Judy Maksimovich and the Metamora Park District for registering this site.

187-12) Lake Co. – Old Mill Flatwoods Addition of Nature Preserve Buffer to Florsheim Park Nature Preserve, Dedication

Steven Byers presented a proposal for preliminary approval for dedication of the Old Mill Flatwoods addition of nature preserve buffer to Florsheim Park Nature Preserve. Old Mill Road Associates, LLC, an affiliate of Kenneth James Builders, LLC, requests preliminary approval for dedication of the 31-acre Old Mill Flatwoods as a nature preserve buffer addition to Florsheim Park Nature Preserve. The proposed addition is part of a 55-acre tract recently annexed into the Village of Lincolnshire that provides for development of the Old Mill Woods subdivision. The proposed Old Mill Flatwoods addition is located adjacent to Florsheim Park within the Morainal Section of the Northeastern Morainal Natural Division in Lake County. Florsheim Park Nature Preserve was included on the INAI (#1500) for sedge meadow, mesic prairie, dry-mesic forest and northern flatwoods communities that support four state-listed plant species, of which the Eastern prairie fringed orchid (*Plantantheraea leucophaea*) is also federally listed. The dry-mesic forest and northern flatwoods natural communities extend into the proposed addition. This proposal provides for siting, construction, and operation of a storm water detention basin designed to provide water quality benefits to the wetlands within the northern flatwoods and nearby West Fork of the North Branch of the Chicago River. Protection of the natural resources at this location represents a real success story starting with the 40-acre Florsheim Park being bequeathed to the Village of Lincolnshire. This 40-acre site received final approval for dedication at the Commission's 151<sup>st</sup> Meeting in May, 1996 (Resolution #1315). Then, in 1999, the Village acquired North Park, and the Commission conferred final approval for dedication of a 38-acre addition to Florsheim Park Nature Preserve at its 171<sup>st</sup> Meeting in May, 2001 (Resolution #1570). This 31-acre addition of nature preserve buffer will increase the amount of land formally protected at Florsheim Park Nature Preserve from 78 acres to 109 acres.

Mr. Byers stated an ordinance was adopted by the Village of Lincolnshire that references an annexation agreement between Old Mill Road Associates and the Village of Lincolnshire for the entire 55-acre tract. Agreements between Kenneth James Builders and the US Army Corps of Engineers were included in the agenda packet. The agreements reference deed restrictions and protection of the wetland flatwood communities and ephemeral ponds that are located on the Old Mill Flatwoods addition of buffer to Florsheim Park Nature Preserve.



Mr. Byers stated that the Village of Lincolnshire reserves the right to provide for routing and construction of a hiking trail and any necessary boardwalk that would extend from Florsheim Park into the proposed buffer addition. The Village of Lincolnshire also reserves the right to construct a sound barrier or berm along the eastern edge of the property line adjacent to the Illinois Tollway. The Village also reserves the right to erect educational kiosks, signs, and resting benches around the passive recreational trails. The Old Mill Road Associates would like to be able to construct a trail including access into the existing trail system at Florsheim Park. The Old Mill Road Associates also request to have the right to construct a small parking area adjacent to Old Mill Road to accommodate visitors. The routing and construction of both trails would be subject to the review and approval by the INPC.

Don Augustin, Vice President of Land Development for Kenneth James Builders, stated that they have worked hard to accommodate the requests of the US Army Corps of Engineers. They are also in the process of removing all invasive species in the area and have planted buttonbush and swamp white oaks. There is a five year agreement on maintenance and monitoring of the entire site. He stated that he has budgeted over a quarter of a million dollars to restore the site, and this does not include the value of the donated land. Kenneth James Builders is working hard to make this area an asset and benefit to all of the Village of Lincolnshire and surrounding area.

Mr. Byers stated that he appreciates the leadership and commitment that has been provided by the Old Mill Associates, Kenneth James Builders, and Carl James. He stated that it is the intention of Old Mill Associates and Kenneth James Builders to construct residential developments that, "...enrich the lives of the residents and the communities in which they live."

Lydia Scott, Village of Lincolnshire, stated she would like to extend the appreciation of the Village of Lincolnshire to Kenneth James Builders on its efforts in this project. Kenneth James Builders has been very consciences in its efforts to create buffer zones and educational materials for its residents. In addition, she would like to extend her appreciation to the INPC. She stated that this is the third time the Village has come before the Commission requesting protection of property that the Village believes to be extremely valuable and rare. She also stated that Mr. Byers has been a tremendous asset in educating the Board members and the residents of the Village of Lincolnshire as to the importance of protecting these properties.

Commissioner DeLaurentiis asked if there has been any construction on the adjacent property.

Mr. Byers stated that there has not been any construction of a berm. That is one of the issues the Village of Lincolnshire has raised with the Tollway Authority. He stated that it is his understanding that the Tollway Authority will be widening the highway and adding another lane in either direction of traffic flow in this area. If the addition of the highway is going to take place, a sound barrier would be needed along that particular border.

It was moved by Keating, seconded by DeLaurentiis, and carried that the following resolution be adopted:

The Commission grants preliminary approval for the dedication of the Old Mill Flatwoods addition of nature preserve buffer to Florsheim Park Nature Preserve in Lake County, as described in the proposal presented under Item 12 of the Agenda for the 187<sup>th</sup> Meeting.

(Resolution 1835)

Vice-Chair Ross-Shannon thanked the Village of Lincolnshire, Old Mill Associates, and Kenneth James Builders for their efforts to protect this site. He stated that this was a wonderful example of how development can go hand-in-hand with preservation efforts.

187-13) Champaign Co. – Barnhart Prairie Restoration Nature Preserve, Dedication

Mary Kay Solecki presented a proposal for final approval for dedication of Barnhart Prairie Restoration as an Illinois nature preserve. The Barnhart family proposes to dedicate 80 acres of the Barnhart Prairie Restoration. Barnhart Prairie Restoration, owned by five brothers and sisters of the Barnhart family - Amber, Brett, Donald and Trent Barnhart, and Karen Bush, is a prairie reconstruction located approximately two miles south of Urbana in Champaign County within the Grand Prairie Section of the Grand Prairie Natural Division. Donald Barnhart and his father, Harry, began this prairie reconstruction in 1987 on 5.5 acres. The prairie has expanded over the years and encompasses approximately 100 acres in total. Of the 100 acres, 80 acres of the restoration is in a conservation easement purchased with funding from the IDNR's C2000 program and held by the Champaign County Soil and Water Conservation District. The site is recognized on the INAI (#1717). A breeding population of the state-threatened Franklin's ground squirrel (*Spermophilus franklinii*) occurs here. The prairie harbors numerous types of native plants and animals, with the greatest assortment of conservative plants found on the oldest restorations that came into existence 16-18 years ago. The Commission conferred preliminary approval for dedication at the Commission's 186<sup>th</sup> Meeting in May, 2005 (Resolution #1824).

It was moved by Riddell, seconded by Schwegman, and carried that the following resolution be adopted:

The Commission grants final approval for the dedication of Barnhart Prairie Restoration as an Illinois nature preserve in Champaign County, as described in the proposal presented under Item 13 of the Agenda for the 187<sup>th</sup> Meeting.

(Resolution 1836)

Vice-Chair Ross-Shannon asked Ms. Solecki to convey the Commission's thanks to the Barnhart family.

187-14) Kankakee Co. - Pembroke Savanna Nature Preserve, Dedication

Kim Roman presented a proposal for final approval for dedication of Pembroke Savanna as an Illinois nature preserve. Owned by the Illinois Chapter of The Nature Conservancy (TNC), this 65.78-acre site is recognized on the INAI (#54) for its high quality dry sand savanna, representative

of the Kankakee Sands Section of the Grand Prairie Natural Division. Pembroke Savanna harbors numerous uncommon flora and fauna including the state threatened regal fritillary butterfly (*Speyeria idalia*) and the regionally rare fame flower (*Talinum rugospermum*). It is currently considered the best example of dry sand savanna in all of Illinois. Additionally, this site is part of a high quality, large-scale ecosystem of national significance. TNC wishes to provide the highest level of protection available in Illinois by dedicating it as Illinois nature preserve. The Commission conferred preliminary approval for dedication at the Commission's 186<sup>th</sup> Meeting in May, 2005 (Resolution #1825).

It was moved by Allread, seconded by Keating, and carried that the following resolution be adopted:

The Commission grants final approval for the dedication of Pembroke Savanna as an Illinois nature preserve in Kankakee County, as described in the proposal presented under Item 14 of the Agenda for the 187<sup>th</sup> Meeting.

(Resolution 1837)

Vice-Chair Ross-Shannon asked Ms. Roman to convey the Commission's thanks to the Illinois Chapter of TNC.

187-15) McHenry Co. – Addition to Gladstone Fen Nature Preserve, Dedication

Steven Byers presented a proposal for final approval for dedication of an addition to Gladstone Fen Nature Preserve. The 5.47-acre addition to Gladstone Fen Nature Preserve, owned by Lorna and Evan Gladstone, is located within the Morainal Section of the Northeastern Morainal Natural Division in McHenry County. Gladstone Fen Nature Preserve, and a small portion of the proposed addition, are part of the Gladstone Fen INAI (#1265). This site was recognized for high quality graminoid fen, calcareous seep, and sedge meadow wetland communities. The 6.44 -acre Gladstone Fen Nature Preserve was conferred final approval for dedication at the Commission's 131<sup>st</sup> Meeting in May, 1991 (Resolution #1084). In 1999, the McHenry County Conservation District acquired an additional 38 acres of this INAI site. That acquisition, together with the amount of land formally protected by the Gladstone family (with this proposal 11.9 acres), brings the total amount of land protected at this site to 49.9 acres. Dedication of the proposed addition will protect the surface hydrology of the existing Gladstone Fen Nature Preserve, provide for expanded restoration efforts along a stream course that drains the INAI site, and protect surviving remnants of sedge meadow and mesic prairie. Dedication of this tract by Lorna and Evan Gladstone will serve as a model, in much the same way as the original dedication of Gladstone Fen Nature Preserve by Lee and Gertrude Gladstone, for further protection and stewardship efforts within this portion of the Boone Creek watershed. The Commission conferred preliminary approval for dedication at the Commission's 186<sup>th</sup> Meeting in May, 2005 (Resolution #1826).

Lorna Gladstone thanked the Commission for its efforts to protect this area.

It was moved by Riddell, seconded by Allread, and carried that the following resolution be adopted:

The Commission grants final approval for the dedication of an addition to Gladstone Fen Nature Preserve in McHenry County, as described in the proposal presented under Item 15 of the Agenda for the 187<sup>th</sup> Meeting.

(Resolution 1838)

Vice-Chair Ross-Shannon thanked Ms. Gladstone for her efforts to protect this natural area.

187-16) Cook Co. – Busse Woods Nature Preserve, Spillway Modification at Busse Woods Reservoir

John Nelson stated that John Steffen, from DuPage County Department of Development and Environmental Concerns, will present more information regarding the proposed spillway modification at Busse Woods Reservoir and requests that the Commission take action on the proposal. Mr. Steffen has been before the Commission on two prior occasions. Mr. Nelson stated that Applied Ecological Services (AES) was hired by DuPage County to compile a report to address the concerns expressed by the Commission. A copy of the report from AES was provided to each of the Commissioners. Christopher B. Burke Engineering also provided reports which have been reviewed by INPC staff. Mr. Nelson stated that a detailed report, by Dr. George Weir of the Morton Arboretum, regarding tree mortality relating to flooding from the original Busse Reservoir project in 1975 was also reviewed by INPC staff.

Mr. Nelson stated that there are two elevations that should be taken into consideration. He said that the 688 foot elevation is a critical elevation above which adjacent natural communities could be negatively impacted by additional stormwater retention. Damage to trees would begin to occur if inundation exceeded 120 hours during the growing season. This recommendation was made by Dr. George Weir. The second elevation is 691.8, the peak flood of record which occurred in August, 1987.

John Steffen stated that DuPage County would like to get the final design underway so the dam modification can be in place before the spring floods. He stated that Jerry Robertson, Christopher B. Burke Engineering, is responsible for the design of the spillway modification and will be working closely with the County to develop an operational plan. Mr. Steffen stated that Bill Stoll, AES, will summarize his findings that were a part of the report. Chris Merenowicz, Forest Preserve District of Cook County (FPDCC), is also available to answer any questions. Mr. Steffen stated that a dam operational plan will be presented to the Commission at its October, 2005 meeting.

Jerry Robinson, Christopher B. Burke Engineering, gave a brief summary and Power Point presentation of the proposed spillway modification. He stated that the purpose of the project is to provide additional flood control benefits. The existing dam was constructed in 1975 and provides upstream benefit. A series of flood control projects have been constructed upstream of the Busse

Woods Reservoir and not all of the available storage is being currently utilized within the pool behind the dam of the Busse Woods Reservoir. Initial studies were done in 1986 by the State, and the desire has been to recapture that storage to provide additional flood control benefits for the residents downstream of the Busse Woods dam. The proposed modification provides approximately \$2.2 million in benefits to downstream properties. Mr. Robinson stated that 178 homes and businesses would benefit from the dam modification.

Mr. Robinson stated that the spillway modification consists of a rubber inflatable dam which would be inflated under low pressure. The rubber dam will be three feet high when inflated. When deflated, the rubber dam will lay in a tray so the normal function of the Reservoir will not be changed. The inflation of the rubber dam will be triggered by a sensor when water levels within the Reservoir exceed 1.95 feet.

Bill Stoll, Applied Ecological Services (AES), stated that AES was hired to conduct an ecological assessment of Busse Woods and to assess the potential impacts of the spillway modification on the natural areas. The purpose of the study was to collect baseline vegetation and groundwater data. Based on that information, AES made inferences about the potential impacts that the spillway modification may have on the natural communities. AES also provided recommendations to reduce or eliminate the negative effects on the natural communities within Busse Woods Nature Preserve. Mr. Stoll gave an in depth Power Point presentation to explain the ecological assessment that was conducted by AES. Mr. Stoll stated that at the north end of the site, the west edge of Busse Woods Nature Preserve, is the channelized portion of Salt Creek. The communities along this portion of Salt Creek are mainly old field. The lower areas along the Creek are dominated by reed canary grass. The higher areas away from the Creek are dominated by non-native, upland cool season grasses. The oak woodlands start at an elevation of approximately 688.

Mr. Stoll stated that the hydrology data showed the groundwater was closest to the surface in the wells closest to the shore line. In addition to that, AES found that the groundwater was higher in elevation than the surface elevation of the Reservoir in areas immediately adjacent to the shore line during the growing season. From December to early February, it was below. He stated that George Weir identified 120 hours as a critical point. After an inundation of 120 hours, damage begins to occur to the sensitive trees in the Nature Preserve. Forty-eight hours was also identified as a cut-off time for potential damage to the herbaceous community.

Mr. Stoll stated that increases in frequency and duration of pool elevations will cause varying stress during the growing season, especially in the early growing season. Most of the plants of concern in the herbaceous understory are spring ephemerals. Increases in frequency and duration of the pool elevation will likely have minimal effect on the weedy shore line species but could result in high tree mortality if the duration exceeds 120 hours. It could also stress and disrupt life history of most, if not all, of the herbaceous vegetation in the oak communities if the duration exceeds 48 hours during the early part of the growing season. Increases in frequency of water fluctuation may lead to reduction in biological diversity and increase of non-native plants.

Mr. Stoll stated that AES recommends that no additional flooding occur with a Reservoir surface level greater than the elevation 688 that would exceed 48 hours from March 15 to June 30 to protect the herbaceous community. No additional flooding at the Reservoir level greater than 688 was recommended for more than 120 hours for the remainder of the growing season July 1 through October 31 to protect the trees and herbaceous community. During the non-growing season, minimal impact is anticipated, and AES would recommend allowing additional flooding during that time. The only limitation would be to limit it to the current peak flow elevation that has occurred in the Reservoir to date (691.8).

Mr. Robertson stated that the AES report also contains a summary of inundations for both the existing conditions and the proposed conditions. In the proposed conditions, the operating plan assumed that once the rubber dam inflated that the rubber dam stayed inflated and was not deflated during the entire storm event. Since that assumption was made, Christopher B. Burke Engineering has looked at what can be done to comply with the recommendations of the AES report. An operating plan is being developed that will spell out under what conditions the rubber dam will be operated during the critical time between March 15 and June 30. The second part of the operating plan would be to deflate the dam once the water surface started to drop for a 24-hour period.

Mr. Robertson stated that DuPage County will have to make a decision each time to determine whether or not to take in water during a flood event. DuPage County works with the US Geologic Survey to simulate in real time the conditions of the watershed and takes the National Weather Service's projected rain fall totals to run a series of scenarios to get the possibilities that may occur. DuPage County uses this system to operate the Elmhurst Quarry Reservoir and the Wood Dale-Itasca Reservoir. Both of these sites are large flood control facilities located upstream of the Busse Woods Reservoir. The County is proposing a continuation of that analysis to the Busse Woods Reservoir and use forecasted rain fall to make the decision to inflate/deflate. It will depend upon on how much rainfall is predicted for a particular storm event. The operation of the facility needs to be done manually. He stated that AES will continue to monitor the herbaceous vegetation within the Nature Preserve and help to refine some of the results.

Commissioner Riddell asked what the effect might be on the herbaceous layer and the oak woodland due to repeated saturation over the years, even if each event does not exceed the maximum time limits.

Mr. Stoll stated that repeated saturation events may have a cumulative impact, but the recommendations presented take that into consideration. He stated that George Weir's recommendation of five days is very conservative when compared to other tree inundation research. The 48-hour time limit for the herbaceous understory is also a conservative recommendation. Soils tend to go anaerobic in 48 hours, and physiological processes begin to occur that lead to stress and eventual death. AES tried to make its recommendations with the presumption that there will be recurring inundation.

Commissioner Riddell asked if consideration was given to the micro-organisms in the soil.

Mr. Stoll stated that with inundation and anaerobic soil, the micro community will change as well.

Commissioner Keating stated that flood peaks in the area have changed over the past 50 years because of development that has hardened the water shed.

Mr. Robertson stated that they have seen some change in the flood peaks, and they have found that, as detention ponds are being constructed, the volume of runoff has increased dramatically because there is a lot more impervious surface, roadways, and rooftops. He stated that an event of a three inch rainfall will probably trigger the use of the inflatable dam. He also stated that this has been taken into consideration when preparing the report that was submitted to the Commission.

Commissioner DeLaurentiis asked for clarification regarding the use of the devices upstream of the Busse Woods Reservoir.

Mr. Robertson stated that there have been additional flood control facilities built upstream that are providing flood relief, and the water surface is not rising as high within the Busse Woods Reservoir as it was designed to do. The elevation that is being achieved with the inflatable dam is the same as the 1975 design. If it goes any higher, there is an emergency spillway, a concrete channel, located off to the side of the main spillway that water will start spilling out. The analysis showed that not all of the storage that was originally thought to be utilized in Busse Woods was being utilized. This is a proposal to bring the flood level in the Reservoir back up to the original 1975 design.

Commissioner DeLaurentiis asked if the \$2.2 million projected savings by having the elevation raised during specific flood events was based on the theory that the current system in place was not enough to stop the inundation downstream during certain flood events.

Mr. Robertson stated that this was correct. It was projected that there would be approximately \$7 million in gross damages if nothing is done. By implementing the spillway modification, it is projected to bring that damage figure down to \$5.5 million. Even with this modification, there will still be \$5.5 million in damages downstream. Selected buyout of those structures to remove them from the floodplain has been discussed.

Commissioner Allread stated that the operating plan relies on it being followed within hours of each occurrence. She asked what assurances are in place that the operating plan will adhere to the 48-hour and 120-hour time frames during the early growing season.

Mr. Steffen stated that he is confident that DuPage County can adhere to the operating plan, however, there is always a risk that political pressure may cause deviation from the operating plan. He suggested that the Commission outline mitigation that would be imposed upon the County if it fails to follow the approved operating plan.

Chris Merenowicz, Forest Preserve District of Cook County (FPDCC), thanked the Commission for its concern on the FPDCC's behalf. He stated that the FPDCC has reviewed the recommendations made by AES and are confident with its findings. The report from AES has helped FPDCC staff to understand the cut off point. He stated that, with the recommendations made by AES, the FPDCC is happy to move forward with the project.

Vice-Chair Ross-Shannon stated he would like to commend DuPage County for choosing well respected experts to conduct the studies. The impact of the operation of the inflatable dam is a concern to the Commission because of the damage that could occur within the Nature Preserve. It is the Commission's responsibility to protect the Nature Preserve. As development of the areas downstream continues, there will be runoff and more problems with flooding. The memo dated July 19, 2005, talked about the March 15 to June 30 period of the decision matrix. The memo stated that the dam would be operated manually using a decision matrix that weighs the potential flood control benefits with the potential for vegetation damage. He stated that it was his opinion that at some point, now or in the future, someone who has control of the manual operation of the inflatable dam, could decide that saving someone's house outweighs the damage to the trees. He stated that he was concerned about a decision matrix that allows for anything but the operation according to the AES recommendations. He stated that he was not comfortable voting for a decision matrix that allows for someone to weigh flood control damage with damage to the vegetation.

Mr. Steffen stated that he would not recommend a decision matrix that would violate the recommendations provided by AES. The operating plan and decision matrix that follows AES recommendations will be brought before the Commission at its October meeting.

Commissioner DeLaurentiis stated that it was her opinion that it was premature to consider approval or disapproval of the project without the final operating plan before the Commission. Staff recommendations have been submitted that support AES's recommendations.

Commissioner Riddell stated that as a Commissioner of the INPC, she feels it is her duty to maintain the nature preserves in their current condition or, if possible, improve them. In this case, a definite amount of stress on the ecosystems on areas the Commission is to protect will occur. She stated that it was her opinion that it was not within the realm of her Commission appointment to invite damage to the Nature Preserve.

Commissioner Allread stated that while Commissioner Riddell makes a very good point, she is more open to knowing that the Commission needs to look for ways to protect the Nature Preserve while dealing and co-existing with the surrounding development. With the recommendations made in the AES report and the recommendations by staff and other respected individuals, she would be more predisposed to agreeing to some type of matrix if there were assurances written in that the operating plan would be followed and be a mandate. She stated that if the operating plan were violated in any way, there should be penalties, whether monetary or mandatory restoration of the damage.



Commissioner Riddell asked if the Commission has ever approved something like this with a time limit imposed so the parties involved must come back to the Commission for renewal of the project approval.

Randy Heidorn stated that the Commission has done time limited approvals for management activities. He stated that if the Commission were to approve this proposal as a management issue, there was a specific provision that allows the Commission to go back and review the project. The Commission does have the authority, through the Administrative Rules, to rescind its approval. He stated that there are remedies through the Natural Areas Preservation Act which call for monetary penalties.

Mr. Steffen stated that DuPage County cannot afford to buy every property that may be affected by the flooding, but terms for operation of the inflatable dam could be reassessed every few years.

Commissioner DeLaurentiis asked for more clarification of what could be done in terms of enforcement if this proposal was viewed as a management issue.

Mr. Heidorn stated that the Commission may not be able to force DuPage County to remove the inflatable dam, but if the area was damaged by the inundation, the Commission could file legal action to force DuPage County to pay for damages. He stated that it was his recommendation that the Commission consider the project as a management tool. He also stated that this activity comes under the purview of an intergovernmental agreement between the IDNR, DuPage County, and Cook County. Whatever is decided, he suggested that the agreement be modified to incorporate the AES recommendations and possibly some enforcement issues.

Vice-Chair Ross-Shannon stated that the FPDCC, as the landowner, should have input regarding the terms of enforcement.

Mr. Merenowicz stated that the intergovernmental agreement does give the FPDCC the right to review any and all maintenance, operational plans, and studies.

Mr. Nelson stated that the Commission approved the Busse Woods Reservoir plan in 1973, and this project is connected to the decision that the Commission made 32 years ago. He stated that if the AES recommendations are adopted and enforced, the area of impact with the inflatable dam will be the same as the area of impact that was approved in 1973. The flood frequency will increase in that area, and the duration of flooding will increase, but the area of impact will be the same.

Vice-Chair Ross-Shannon asked Mr. Steffen to provide the Commission with a proposed operating plan and decision matrix as soon as possible so it may be reviewed prior to the next INPC meeting scheduled for October 18, 2005.

Commissioner DeLaurentiis stated that she would also like to see, per INPC staff recommendation, the alteration of the memorandum of understanding to specifically acknowledge AES recommendations and what sort of authority the Commission would have if the process were violated.

It was moved by Riddell, seconded by DeLaurentiis, and carried that the approval of the spillway modification be postponed until the 188<sup>th</sup> INPC Meeting, October 18, 2005.

There was a break for lunch from 12:35 - 1:10 p.m.

187-17) DuPage Co. – Belmont Prairie Nature Preserve - Proposal to Develop Nature Preserve Buffer

(Actually presented after Item 18)

Steven Byers gave a brief overview and history of Belmont Prairie Nature Preserve.

Dan Cermak, Downers Grove Park District (DGPD), stated that he is before the Commission to present information and data to substantiate the DGPD's request as outlined in his January 24, 2005, letter to Don McFall, INPC's Acting Director. He stated that he would like to discuss the unrestricted use and/or undedication of an approximately five-acre nature preserve buffer located in the northwest portion of the Belmont Prairie Nature Preserve. As a related item, the DGPD would be willing, pursuant to the successful undedication or unrestricted use of this northwestern parcel, to offer and work with the Commission on the dedication of an approximately five-acre parcel contiguous to the Belmont Prairie Nature Preserve on the south.

Mr. Cermak stated that the DGPD, a local unit of government established in 1946, has a multifaceted mission statement. The mission statement is to provide a wide variety of year-round recreation programs, facilities, and park areas which respond to the articulated needs and desires of the residents. The population of Downers Grove is approximately 50,000, and the current budget for fiscal year 2006 is \$14.5 million. There are 49 park sites, and the DGPD manages 600 acres of land. Of that 600 acres, 240 acres are open space or natural areas. The DGPD has two primary natural areas, Belmont Prairie Nature Preserve and Lyman Woods. Other District facilities include a golf course, a museum, two community centers, an award-winning interpretive center at Lyman Woods, a miniature golf course, tennis courts, baseball fields, soccer fields, and basketball courts. The DGPD has cooperative agreements with other agencies, including the Village of Downers Grove, DuPage County Forest Preserve District, local school districts, the INPC, local foundations, the Conservation Foundation, youth sports groups, and historical societies. The DGPD is committed to natural areas. Since 1979, when Belmont Prairie was dedicated as an Illinois nature preserve, the DGPD has spent millions of local tax dollars to acquire buffer properties for both the Belmont Prairie and Lyman Woods. In addition to local tax dollars, the DGPD continues to be committed on an annual basis to maintain these areas. He stated that interpretive and environmental programming are also a focus of the DGPD. The DGPD's budget for new projects this fiscal year is approximately \$1.3 million.

Mr. Cermak stated that he has had discussions with INPC staff, and questions were raised regarding the statutory authority to remove property from a buffer. He stated that the DGPD legal council has reviewed the statutes of the Natural Areas Preservation Act, and they have provided their opinion that the statutes permit the DGPD to pursue the removal of the north parcel from the buffer area by utilizing Section 10's lower public interest standard rather than forcing the DGPD to

convince the INPC that the contemplated taking constitutes imperative and unavoidable necessity. DGPD's legal council suggested that the District discuss with the Commission the value of the specified portion of the current buffer as a publicly accessible, active recreation park that serves the public interest. The DGPD continues to meet challenges to find a balance between active and passive recreation, but there are a number of needs that remain unmet. He stated that land in Downers Grove is at a premium, and remaining substantial open space is primarily owned by corporate land developers. Residential lots with houses are being sold in some cases in excess of \$350,000. The houses are then demolished, and new homes are built. The DGPD has limited financial resources to acquire needed spaces. He stated that Downers Grove is the third largest community in DuPage County, and the DGPD still has yet to provide its residents with a public outdoor pool. He stated that a peripheral property is going to be needed should the request to provide a public pool be fulfilled. The second challenge to the DGPD is to provide additional youth and adult sport fields. An ad hoc committee recommended seven additional playing fields due to the growth in these sports. The DGPD is looking at every available piece of land that is owned by the District to fulfill this need. He stated that it was his opinion, based on the amount of land owned by the District, the DGPD will not be able to meet all of the needs. He stated that the north buffer parcel is extremely important to potentially meeting the future needs of the DGPD. He also stated that it is a critical piece that will allow the potential for acquisition of a four-acre parcel of contiguous property to the north.

The DGPD has spent a considerable amount of tax dollars studying the environmental characteristics and recreational uses of the south parcel which is currently a five-acre passive recreational park. The south parcel is contiguous to the buffer but is not part of the buffer. Some of the recreational uses and design for the south parcel are the aquatic facility, tennis courts, baseball and softball fields, skate park, and soccer fields. Lights have also been suggested to extend the use by the residents. Environmental characteristics of note for the south parcel include a wetland at the upper portion of the ballfield and a hydrological connection to the Belmont Prairie Nature Preserve marsh area. The DGPD has also spent a considerable amount of money for the study of the environmental site evaluation in comparison of both the north parcel and the south parcel. The report was prepared by Engineering Resource Associates, and the report was sent to the Commissioners for review. The report concluded that the south parcel may provide greater value as a buffer to the Belmont Prairie Nature Preserve, and the south parcel is an excellent candidate for buffer enhancement and woodland rehabilitation. The use of south parcel for active recreation should be limited to areas that are not part of the immediate watershed of the Belmont Prairie Nature Preserve unless adequate engineering is performed. The report concluded that even though the north parcel provides value as buffer to the Belmont Prairie Nature Preserve, it may not be a good candidate for environmental rehabilitation. Active recreational use is better suited for the north parcel. He stated that the report is a critical piece for the DGPD's proposal to the Commission in that the conclusions help validate that the south parcel would be of great benefit to the Belmont Prairie Nature Preserve system. When the DGPD hired Engineering Resource Associates to do the study, the District insisted that it be a factual, unbiased report.

Mr. Cermak stated that to gain additional perspective on the proposal, DGPD staff performed a strengths, weakness, opportunities, and threats analysis. The analysis showed that the

north parcel has less development cost and no acquisition cost. The south parcel has greater ecological benefits to the Belmont Prairie Nature Preserve. The report findings support the proposal, and the District can control transitional areas of the north parcel should the request be granted. The analysis did not show very many weaknesses in the proposal. Land acquisition potential to the north of the north parcel is an opportunity to allow the District to use existing land at no cost and the potential to acquire new and contiguous land for park and recreation purposes. He stated that the INPC has the opportunity to set a positive precedent because there is no net loss of acreage and the south parcel is of higher quality. The dedication of the south parcel as a buffer addition to Belmont Prairie Nature Preserve can only be done should the undedication or unrestricted use of the north parcel be granted. The threats analysis showed that the DGPD may fail to provide an opportunity to potentially acquire property contiguous to land owned by the District, thus reducing capital costs and opportunities should the request not be granted.

He stated that DGPD staff considers the District a leader in environmental issues, conservation, restoration, and education as demonstrated by its long-term commitment of funding and preservation. The DGPD is sensitive to the responsibilities of the INPC. He stated that the DGPD and the INPC have a great opportunity to improve the protection of Belmont Prairie Nature Preserve and assist the Park District in meeting the recreation needs of its residents. He also stated that the DGPD is respectfully requesting the undedication or the unrestricted use of the north parcel (approximately five of the contiguous acres) for the facility development, and the District will offer, upon the north parcel's undedication or unrestricted use, to create an instrument whereby the dedication of the south parcel is committed to take place in a timely fashion. The instrument would require Park Board approval. Both sites are contiguous to Belmont Prairie Nature Preserve, and both sites are owned by the DGPD. The INPC has received copies of letters from various agencies in support of the District's request.

Commissioner Flemal asked for clarification of the District's legal council opinion.

Mr. Cermak stated that two issues were involved in the opinion given by the District's legal council. It was their opinion that Section 14 of the Natural Areas Preservation Act's terminology of imperative and unavoidable public necessity does not apply in this case. It was their opinion that Section 10 is applicable in this case because of the parcel's buffer status. Section 10 has a lower public interest standard.

Vice-Chair Ross-Shannon stated that a public hearing would need to take place before the Commission could consider the undedication of a site, and a specific plan would be needed to determine if it was in the public interest.

Mr. Heidorn stated that the first step in the undedication process is to determine whether or not a use that is being proposed is a deviation from of the purposes of the Natural Areas Preservation Act. Since there is no specific proposal before the Commission at this time, no determination can be made. The publication of the undedication request must be done in DuPage County, and a hearing must be held in DuPage County.

Mr. McFall stated that the standard language for nature preserve buffer dedication specifically mentions recreational use, but traditionally it has been a low-key recreational use.

Mr. Cermak stated that the DGPD is asking for unrestricted use of the buffer. He stated that the DGPD wants to work with the INPC to find a reasonable solution to the Park District's problems and still protect Belmont Prairie Nature Preserve. He also stated that the DGPD does not have a specific plan to present because the Park District is doing conceptual planning at this time. Mr. Cermak stated that it is possible that the land mass would be the north parcel plus the four acres north of that. This would give the District approximately nine acres on which it could craft the facilities that are needed for the community.

A lengthy discussion took place regarding the proposed development and or undedication of the buffer, including the ramifications of having bright lights near such a high quality area, other uses that would be detrimental to the Nature Preserve, and the possible precedent that would be set by undedicating this buffer to Belmont Prairie Nature Preserve. A suggestion was made that a buffer strip could be incorporated between the recreational portion of the north parcel and the Nature Preserve to protect the buffer process. Another suggestion was made that the Commission keep an open mind on the entire proposal and the quality of the south parcel be taken into consideration when making a decision.

Mr. Cermak stated that the buffer strip would be a possibility to control transitional areas.

Gordon Goodman stated he appeared before the DGPD Board on July 21, 2005, to explain his concerns about the proposed development of the buffer area. Mr. Goodman also voiced his views on this proposed project.

Laurel Bowen stated that she has been a resident of Downers Grove for 17 years, and she voiced her disapproval of the proposed development of the buffer area.

Rita Martin stated that she is also a resident of Downers Grove, and she voiced her disapproval of the proposed development of the buffer area.

Mr. Cermak requested that the Commission put together a list of options that it would like to pursue with the Park District, and he would take that summary to the Park District Board for further consideration.

Commissioner Riddell suggested that the staff be directed to draft a recommendation to address the issue of buffer use and develop buffer management guidelines to aid the Commission when making decisions for the proposed uses on a buffer.

It was moved by Riddell, seconded by DeLaurentiis, and carried that no action be taken on Item 17 until such time more information is presented by the DuPage County Park District and to have staff develop buffer management guidelines.

A break was taken from 2:50 p.m. - 2:55 p.m.

187-18) Vegetation Management Guidelines  
(Actually presented after Item 16)

Bob Edgin gave an in depth Power Point presentation regarding the updated Vegetation Management Guidelines for the control of common reed (*Phragmites australis*) and smooth sumac (*Rhus glabra L.*). The guidelines were submitted to INPC Consultants and Advisors and to selected natural area land managers for review. Recommended changes were incorporated into the documents.

Commissioner Riddell asked if other states have similar vegetation management guidelines and how staff determines the appropriate guidelines.

Mr. Edgin stated that independent research is not done, but staff has a list of web sites that contain research results. That information is reviewed and compiled to develop the vegetation management guidelines. The Vegetation Management Guidelines are available on the internet through the Illinois Natural History Survey, and the updated guidelines are in the process of being put onto the internet. Hard copies are also distributed to the state parks and other areas. He stated that Missouri and Wisconsin have vegetation management guidelines based on the guidelines from Illinois.

It was moved by Flemal, seconded by Schwegman, and carried that the following resolution be adopted:

The Commission approved the updated Vegetation Management Guidelines for the control of common reed (*Phragmites australis*) and smooth sumac (*Rhus glabra L.*) as presented under Item 18 of the Agenda for the 187<sup>th</sup> Meeting.

(Resolution 1839)

Item 19) Status of Illinois Natural Areas Inventory Forested Sites in Northeastern Illinois  
(Actually presented after Item 17)

Marlin Bowles stated that conservationists are concerned that formerly oak dominated forest are deteriorating because they lack natural fire processes that maintained open stand structures. Mr. Bowles gave an in depth Power Point presentation. A 20-year examination and documentation of changes in INAI old-growth forest stands of the Chicago region showed succession toward sugar maple as well as loss of sapling oaks and native shrubs. This trend is expected to continue. Applied research is needed to understand how to implement fire management that will reverse this process and restore diversity to these forests. For example, work at the Morton Arboretum has shown that repeated burning can increase ground layer diversity in oak forests, but it also contributes to further loss of shrub layer species which provide nesting habitat for forest interior birds.

Vice-Chair Ross-Shannon thanked Mr. Bowles for his presentation and for the field trip that was conducted on Monday, August 1, 2005.

Item 20) Natural Areas Acquisition Fund Fiscal Year 2006 Land Acquisition Proposals  
(Actually presented after Item 21)

The Nature Preserves Commission reviews the capital expenditure of the Natural Areas Acquisition Fund (NAAF) and provides a recommendation to the Director of the IDNR. The capital portion of the NAAF is to be divided in FY 2006 as follows: land acquisition - \$5.310 million; stewardship - \$590,000, and defense - \$100,000. Connie Waggoner and Tom Flattery stated that the proposed acquisition list includes 27 projects totaling 3,325 acres. The following sites are proposed for approval (\* indicates the site is included on the Illinois Natural Areas Inventory):

Lincoln Trail Addition, Clark County	53 acres
Goose Lake Prairie Addition, Grundy County*	0.36 acres
Mineral Marsh Addition, Henry County*	6 acres
Kinkaid Lake Addition, Jackson County*	80 acres
Prairie Ridge Addition, Jasper County*	602 acres
Cache River Addition, Johnson, County*	33 acres
Cache River Addition, Johnson County*	49 acres
Cache River Addition, Johnson County*	5 acres
Cache River Addition, Johnson County*	50 acres
Cache River Addition, Johnson County*	40 acres
Mskoda, Kankakee County*	649 acres
Tallmadge Sand Forest, Kankakee County*	157 acres
Pembroke Savanna, Kankakee County*	65 acres
Blazingstar Savanna, Kankakee County*	38 acres
Leesville Savanna Addition, Kankakee County*	78 acres
Redwing Slough Addition, Lake County*	19 acres
Starved Rock Addition, LaSalle County*	41 acres
Bohm Woods Addition, Madison County*	92 acres
Illinois Caverns Addition, Monroe County*	112 acres
Fults Hill Prairie Addition, Monroe County	390 acres
Big Grand Pierre Glade, Pope County*	348 acres
Alorton Heron Rookery Addition, St. Clair County*	4 acres
Manito Prairie Addition, Tazewell County*	1 acre
Cypress Pond Addition, Union County*	260 acres
Trail of Tears Addition, Union County*	345 acres
Little Vermilion River Addition, Vermilion County*	70 acres
Harlem Hills Prairie Addition, Winnebago County*	5 acres

It was moved by DeLaurentiis, seconded by Allread, and carried that the Illinois Nature Preserves Commission go into closed session, pursuant to Section 2(c)(5) of the Illinois Open Meetings Act [5ILCS 120/2(c)(5)] for the purposes of discussing the purchase or lease of real property for the use of a public body. Section 2(c)(5) of the Illinois Open Meetings Act provides that a public body may go into closed session to discuss, "the purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired." A unanimous roll-call vote was taken. Closed session started at 4:00 p.m.

The meeting was called back to order at 4:15 p.m.

It was moved by Allread, seconded by Flemal, and carried that the following resolution be adopted:

The Commission approves the fiscal year 2006 Natural Areas Acquisition Fund land acquisition list as presented under Item 20 of the Agenda for the 187<sup>th</sup> Meeting.

(Resolution 1840)

187-21) Public Comment Period (3 minutes per person)  
(Actually presented after Item 22)

Gordon Goodman stated that he lives in Downers Grove, and he is speaking on behalf of Pierce Downers Heritage Alliance (PDHA). He stated that he was interested in the issue regarding the lawsuit in terms of Downers Grove's role in the consultation process. The court ruling has been used for an undesirable precedent. He stated that the PDHA thought the consultation process regulations were quite clear, however, the opinion the attorney for Downers Grove offered and the ruling by the Circuit Judge made was unexpected. The Supreme Court heard oral arguments on the case, then ruled that it should not have taken the case. He stated that the PDHA has been working with Valerie Spale and staff from Openlands Project to stimulate interest in revisiting the consultation process and the legal decision associated with it. He stated that he was very encouraged by the Commission's interest in this topic, and he encouraged the Commission to instruct its staff to begin working with the IDNR and various citizen groups to try to find the proper way in which to restore the consultation process to at least the strength it had before this case was decided.

Mr. Goodman stated that the Commission has an important leadership role, and it was his opinion that the IDNR's regulations for implementing the consultation process were good. He would, however, like to see new legislation for the consultation process.

Jerry Paulson stated that the discussion today regarding Belmont Prairie Nature Preserve reminded him of one of the primary reasons George Fell created the Nature Preserves Commission. He stated that Mr. Fell felt that, because of the number of elected officials and public landowners who were turning pristine natural areas into campgrounds, soccer fields, and other things, there was a need to create a dedicated nature preserve program to protect the areas from their owners. He wanted to remind everyone of the legacy of the nature preserve system.



187-22) Other Business

(Actually presented after Item 19)

Representatives from District 6 of the Illinois Department of Transportation (IDOT) presented a proposal for a proposed right-of-way for construction of Illinois 336. The right-of-way jurisdiction requires the approval of the INPC.

Forman Hardwick, IDOT, stated that District 6 encompasses 15 counties in west central Illinois. Mr. Hardwick introduced Dennis O'Connell, Environmentalist with IDOT; John Negangard, project engineer with IDOT; and Mark Dust, IDOT. He stated that IDOT is before the INPC to request the aid of the Commission to solve a current issue involving the proposed Illinois 336 project. Illinois 336 is a four-lane expressway from Chicago to Kansas City. He stated that the Governor has mandated that Illinois 336 project be open to traffic from south of Carthage to Macomb by the fall of 2008. It is IDOT's intention to get the two remaining sections of Illinois 336 underway by the June of 2006. At that time, IDOT will have approximately 26 miles of Illinois 336 under construction.

John Negangard stated that the current issue involves Cecil White Prairie Land and Water Reserve, owned by the IDNR. Cecil White donated 33 acres to the IDNR in 1998. The property is located approximately nine miles east of Carthage on the north side of US 136. Cecil White Prairie is 33 acres in size with approximately 1.5 acres through the middle that contains the significant habitat area. The corridor study for Illinois 336 was approved in 1969. The phase one engineering study started in 1991 and was approved in 1999. As phase two of the plan preparation was initiated, IDOT was operating off of the upper limits of the environmentally sensitive area at this site. The project was designed around the Cecil White Prairie to try to minimize the impact and to stay out of the INAI boundary that was previously provided by the IDNR in the summer of 2002. In June, 2005, IDOT proceeded with the jurisdictional transfer from the IDNR to IDOT for the proposed right-of-way area. In July, 2005, the IDNR advised IDOT that this site was registered as a land and water reserve. He stated that IDOT is looking at 2.5 acres of proposed right-of-way of the total a 33 acres. The IDNR also informed IDOT that before it can transfer jurisdiction to the 2.5-acre right-of-way, approval is needed from the INPC.

Mr. Negangard stated that IDOT is open to discussions with the INPC to work out a solution. IDOT would like to rewrite the easement to follow the proposed buffer line that was given to IDOT by the IDNR when the environmental study was done and have the IDNR transfer jurisdiction of the property, or IDOT can follow the original right-of-way line, or set the right-of-way line two feet behind the construction as to not impact the natural area. The third scenario would require approximately one acre for the right-of-way, which is reduced from the originally proposed 2.5-acre right-of-way. The current lane configuration will be basically the same as originally designed, then widen it away from the IDNR property. IDOT would stay out of the Land and Water Reserve with the construction limits and proposed right-of-way.

Commissioner DeLaurentiis asked if IDOT has to have an 8-10 foot shoulder in this area for the expressway.

Mr. Negangard stated that the existing right-of-way line is located at the bottom of the ditch. There are several culverts going under the road to pick up the drainage from the hillsides. The only other alternative to building the shoulder would be to build a retaining wall with a concrete barrier along that side. Mr. Negangard stated that the retaining wall creates a safety issue, additional maintenance costs on the part of IDOT, and it will add significant cost to the construction. The original highway was built in the 1930s, and IDOT will need to reconstruct the pavement. Full access control is also needed.

Vice-Chair Ross-Shannon stated that a temporary construction easement would be a possibility, but he is uncomfortable to unregistering a portion of a registered land and water reserve.

Angella Moorehouse stated that she was told that the expressway would cross the River three times, and three bridges would need to be constructed. She stated that she was advised that the entire Land and Water Reserve would be avoided because of its significant features.

Vice-Chair Ross-Shannon stated that the minutes from a previous INPC meeting reflect Ms. Moorehouse's understanding of the express way construction, and IDOT representation was present during that meeting.

Mr. Negangard stated that the only thing that has changed is that IDOT reduced the median and went with a concrete barrier in one section because bridge piers would block the flow of the La Moines River.

Commissioner DeLaurentiis asked if IDOT could follow the lower roadway as depicted coming through the wetland and continue that process completely past the Land and Water Reserve.

Mr. Negangard stated that the key thing is access to the township road. There will be an at grade intersection, and the barrier will have to be stopped to accommodate the intersection. The expressway will have a 65 mile-per-hour speed limit. There would only be a seven foot distance between the right-of-way line and the shoulder at the narrowest point, therefore creating a safety issue.

Don McFall stated that he has had discussions with IDOT that involved the possibility of completely avoiding the Land and Water Reserve using the retaining wall.

Mr. Negangard stated that the retaining wall scenario has been discussed, but it will add an additional \$830,000 to the total cost of the project. That money has not been appropriated. If IDOT would elect to proceed with the retaining wall, the Secretary of Transportation would have to answer to the Governor on that issue.

Vice-Chair Ross-Shannon asked if IDOT could work with a temporary construction easement without disturbing the registration agreement for Cecil White Prairie Land and Water Reserve.

Mr. Hardwick stated that the Commission must consider that even with a temporary construction easement, things may be left on the IDNR property. There could be some riprap and other items. Generally when IDOT leaves something on a property, it will need a permanent easement. The property would remain under the control of the owner.

Mr. Negangard stated that the property would look better because IDOT would be putting in fill and riprap for erosion control. There are steep gullies coming down the hillside which causes problems with erosion. Grass and trees can be planted after the construction is finished.

Mr. Heidorn stated that the land and water reserve program is more flexible. If there is an option that will not have an adverse impact, it could be allowed without any change in its status. Staff would need to determine if the project would impact the resources for which the area was protected.

Vice Chair Ross-Shannon stated that if a combination of a temporary construction easement and a small permanent easement could be accomplished without changing the status of the registration of Cecil White Prairie Land and Water Reserve, he would be able to recommend such an option. He would like to have staff review this option and make recommendations to the Commission before the 188<sup>th</sup> INPC Meeting scheduled for October 18, 2005.

Mr. Negangard stated that construction is scheduled to begin on June 16, 2006, and the right-of-ways need to be in place by no later than April 1, 2006.

Commissioner DeLaurentiis suggested that IDOT staff consult with INPC staff with regard to any tree removal to insure that any work done does not unnecessarily harm the area.

It was moved by Keating, seconded by Flemal and carried that the Commission directs Illinois Nature Preserves staff to investigate the appropriateness of a temporary construction easement and permanent easement for the Cecil White Land and Water Reserve to allow the construction of Illinois 336.

#### 187-23) Adjournment

It was moved by Flemal, seconded by Allread, and unanimously approved to adjourn. The meeting was adjourned at 4:20 p.m.

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